IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Tr.P(C).No. 203 of 2005()

OS.19/1999 of SUB COURT, THIRUVALLA
.....

PETITIONER.

P.C.YOHANNAN, S/O.CHACKO CHANDI,
PALLIPPARAMBIL VEEDU, PALIYEKKARA MURI,
THIRUVALLA VILLAGE, THIRUVALLA TALUK.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

ROY.A.PHILIP, PUTHETHU VEEDU,
KOTTANADU MURI, AYROOR VILLAGE, RANNY TALUK,
PATHANAMTHITTA.

BY ADV. SRI.P.V.GEORGE(ONAKKOOR)
SRI.REJI GEORGE
SRI.JOE JOSEPH KOCHIKUNNEL

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R.RAMAN &
V.K.MOHANAN, JJ.

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Tr. P. (Civil) No.203 of 2005

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Dated this the 16th day of October, 2007.

ORDER

Raman, J.

This is a petition seeking to withdraw Appeal Suit No.81/2004 pending before the Sub Court, Thiruvalla for hearing along with A.S. No.264/2002 pending before this court. Admittedly two suits were filed, one by the petitioner herein and the other by the respondent arising out of the same contract. The petitioner happened to file the suit before the Munsiff's Court, whereas the respondent filed the suit before the Sub Court. The suit filed before the Sub Court was decreed first partly. Following that the suit filed by the present petitioner was dismissed. The appeal filed against the judgment and decree of the Sub Court is now pending before this court as A.S. No.264/2002, whereas the appeal against the dismissal of the suit by the Munsiff's Court is now pending before the Sub Court, Thiruvalla. In order to avoid divergent findings, it is necessary that the said appeal now pending before the Sub Court be withdrawn to this court to be heard along with A.S. No.264/2002.

Accordingly there will be direction to the Sub Judge, Thiruvalla to

transfer the file relating to A.S. No.81/2004 pending before him to this court, whereupon the Registry shall renumber the same and post along with A.S. No.264/2002 for hearing.

P.R.RAMAN
Judge

V.K.MOHANAN
Judge

pms